

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to the
Commonwealth, ERS,
and HTA

**RESPONSE TO FIVE HUNDRED SEVENTY-FIFTH OMNIBUS OBJECTION
(SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO REGARDING
CLAIM NO. 8659**

To the Honorable Court:

Comes now P.R. Agro-Terra International, Inc. ("Creditor"), represented by the undersigned and before this Honorable Court respectfully responds to and opposes the Five Hundred Seventy-Fifth Omnibus Objection (Substantive) regarding **Claim No. 8659** (the "Claim"):

(1) The Claim is entirely valid and should proceed to total allowance; Debtor is liable to Creditor for the claimed amounts. Creditor has judgments, orders and decisions in its favor and against Debtor. Creditor has the evidence to prove the Claim and each and every cause of action against Debtor. The unsworn statement under penalty of perjury mad on behalf of the Creditor attached, specifically so attests, affirms and evidences. Creditor demands trial by jury on the Claim and on each and every cause of action. In the alternative, Creditor requests that this Court transfer the Claim to Alternative Dispute Resolution.

(2) Debtor's omnibus objection and its underlying generalized, conclusory, and inapplicable Herriman declaration are contrary to law and fact. Creditor emphatically disputes the objection and that so - called declaration.

(3) The objection of the Commonwealth of Puerto Rico (the "Commonwealth") is most surprising, and is contrary to fact and law. Creditor has the right to the amount claimed pursuant to orders in Civil Case DAC2009-0978 before the Court of First Instance of Puerto Rico, Superior Section of Bayamon ("Superior Court"). Creditor was victorious in said case, the Court mandating Debtor to pay all of Creditor's expenses. See final judgment of November 6th, 2013 (**Exhibit A**).

(4) Creditor duly filed the Claim, itemized the amounts due, and attached its motion of September 14, 2015, to the Superior Court, as well as the Superior Court's Order of September 17, 2015, mandating Debtor to pay everything requested by Creditor, including interest at 6%. The principal itemized in the Claim is \$1,076.75 plus 6% interest and legal fees for \$1,600.00, regarding expenses concerning depositions, court costs, and other court related expenses. The total of the Claim is \$7,199.10.

(5) Debtor's opposition to this small amount for years and years of litigation seems incomprehensible and frivolous, especially if this Court considers at the exorbitant legal fees of counsel for the Commonwealth, those of Kroll Restructuring Administration and those paid to Mr. Herriman, who is not even an attorney. Debtor never requested prior to its opposition any additional documentation to that attached to the Claim.

(6) The 6% interest owed by Debtor is statutory and is owed to Creditor on the basis of **3 LPRA §2301** and Article 5(a) of Law Number 57 of 2020, signed by the Governor of Puerto Rico on June 14, 2020.

WHEREFORE, Creditor respectfully requests that this Honorable Court deny the Five Hundred and Seventy Fifth Omnibus Objection (Substantive) as to the Claim, and allow the Claim in its totality. Creditor demands trial by jury on all causes of actions, and in the alternative, requests the transfer of the Claim to alternative dispute resolution.

UNSWORN STATEMENT UNDER PENALTY OF PERJURY

I, Luis P. Costas-Elena, of legal age, married, attorney, and resident of San Juan, Puerto Rico, pursuant to 28 USC §1746 hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

- 1) I am Luis P. Costas-Elena, attorney in Puerto Rico; I have recommendations from Justice Abe Fortas of the United States Supreme Court, and Dean Derek Bok, of the Harvard Law School. I have been counsel to the United States Treasury Department, and the United States Treasury Department has utilized my research and scholarly work for its possession corporation reports. I have been Professor of Law at the Law School of Interamerican University and Professor of Law at the Law School of the University of Puerto Rico. According to the 2017 Bicentennial Edition of the Harvard Law School Alumni Directory I am one of the very few persons in the entire world that has two (2) graduate degrees from the Harvard Law School, and I have the two (2) highest degrees that the Harvard Law School awards – the Master in Law (LLM), and the Doctorate in Law (SJD). As of the year 2017 only 496 persons in the entire world had the SJD from Harvard Law School. In Puerto Rico I am the only attorney with these credentials.
- 2) I have read and studied Creditor's response, which is true and correct. I know of my own personal knowledge that Creditor can prove the Claim and that Debtor is liable to Creditor.

- 3) I was the attorney for Creditor in the Civil Case No. DAC2009-0978, before the Superior Court, and the aforesaid response is true and correct.
- 4) The Five Hundred Seventy-Fifth Objection of the Commonwealth is neither true nor correct with respect to the Claim.
- 5) With this sworn declaration I affirm, swear and with evidence of my own personal knowledge, that the Claim should proceed. I support Creditor's request for trial by jury and/or the requested transfer of the Claim to alternative dispute resolution.
- 6) Allowance of the Claim is proper, true and correct and is in accordance with the facts and the law. The objection thereto is contrary to law and fact.
- 7) I declare under penalty of perjury under the Laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

San Juan, Puerto Rico, this 11th day of May 2023.


Luis P. Costas-Elena

CERTIFICATE OF SERVICE: I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

San Juan, Puerto Rico, this 11th day of May 2023

s/CHARLES A. CUPRILL-HERNÁNDEZ

USDC-PR 114312

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